

Article - Alcoholic Beverages

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§2–315.

(a) (1) In this section the following words have the meanings indicated.

(2) “Advertisement” includes a graphic or nongraphic sign, display, poster, and placard.

(3) “Wholesaling entity” means:

(i) a holder of a wholesaler’s license or a person connected with the business of the holder; or

(ii) a nonresident dealer or resident dealer of alcoholic beverages.

(b) (1) Except as provided in paragraph (2) of this subsection, a wholesaling entity may not have a financial interest in:

(i) the premises on or in which a license holder sells alcoholic beverages at retail; or

(ii) a business that a license holder conducts.

(2) A holder of a Class 6 limited wine wholesaler’s license may have a financial interest in not more than one Class A licensed premises.

(3) A wholesaling entity may not lend money or any other thing of value, make a gift, or offer a gratuity to a retail dealer.

(4) A retail dealer may not accept, receive, or make use of money, a gift, or an advertisement provided by a wholesaling entity or become indebted to a wholesaling entity except for the purchase of alcoholic beverages and allied products purchased for resale.

(5) A wholesaling entity other than a wholesaler of beer and malt beverages may not provide an advertisement to a retail dealer.

(c) (1) This subsection applies only to brewed products.

(2) (i) Subject to subparagraph (iii) of this paragraph, a nonresident dealer, resident dealer, or beer wholesaler may not provide to a retail license holder an advertisement that:

1. is worth more than \$150; and
2. advertises the beer or malt products of a particular brewer, nonresident dealer, resident dealer, or beer wholesaler.

(ii) An advertisement provided in accordance with this subsection shall contain brand information that is prominent, permanent, and equal to the life and value of the utilitarian character of the advertising item.

(iii) An advertisement that is manufactured by a beer wholesaler and provided to the holder of a retail license may not be worth more than \$50 to the holder of the retail license where the advertisement advertises the beer or malt products of the beer wholesaler.

(d) (1) This subsection applies only to wine and liquor.

(2) An advertisement for use in windows or elsewhere on a retail liquor establishment may be given to a retailer by a brand owner who is engaged in the business of a manufacturing entity if:

(i) the utilitarian value is secondary and only incidental to the value as an advertisement;

(ii) the total value of an item provided by a brand owner for each of its individual brands for use in any one retail establishment at any one time is not more than \$150 for each individual brand; and

(iii) the cost of installing these materials does not exceed the usual cost in the locality.

(3) (i) In lieu of premanufactured advertising material, materials and labor may be provided by a brand owner for the custom manufacture of an advertising display that:

1. is worth not more than \$150;
2. is temporary; and
3. has no other utilitarian value.

(ii) A nonresident dealer, resident dealer, or brand owner may not undertake a plan that directly or indirectly results in the purchase of advertising materials, supplies, or services by a holder of a wholesaler's license or retail license holder.

(iii) A holder of a wholesaler's license or retail license holder may not participate directly or indirectly in a transaction in which the license holder pays for or shares the cost for any of the advertising materials, supplies, services, or mailing expenses used to promote a brand owner's products.

(iv) This subsection does not prevent a holder of a wholesaler's license from providing brand owners with display materials and installation services at charges computed at not less than the fair market value for these services.

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